

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

POLSKIE LINIE LOTNICZE LOT S.A.,

Plaintiff,

vs.

THE BOEING COMPANY,

Defendant.

Case No. 2:21-CV-01449-RSM

STIPULATED MOTION AND ORDER
FOR LEAVE TO FILE LOT'S REDACTED
OPPOSITION TO BOEING'S MOTION TO
DISMISS

NOTE ON MOTION CALENDAR:
JANUARY 19, 2023

INTRODUCTION

Pursuant to Local Civil Rule 5(g)(3)(B)(iii), Plaintiff Polskie Linie Lotnicze LOT S.A. ("LOT") and Defendant The Boeing Company ("Boeing," and together with LOT, the "Parties") respectfully move the Court to grant LOT leave to file a redacted version of its Opposition to Boeing's Motion to Dismiss LOT's First Amended Complaint (currently under seal) ("Opposition") and maintain the unredacted copy under seal. The proposed public version of the Opposition, with redactions applied for the Court's convenience, is attached as Exhibit A.

PROCEDURAL HISTORY

The Parties jointly follow up on their prior request to seal LOT's Opposition to Boeing's Motion to Dismiss, which the Court granted on January 13, 2023. *See* ECF No. 60. The Parties

1 now agree that of LOT's 22-page Opposition, only seven sentences that directly cite or summarize
2 terms of the Aircraft General Terms Agreement ("AGTA") contract should remain under seal to
3 protect Boeing and its customers' confidential contracts.

4 **LEGAL STANDARD AND ARGUMENT**

5 This stipulation adopts and incorporates by references the parties' Stipulated Motion and
6 [Proposed] Order for Leave to File LOT's Opposition to Boeing's Motion to Dismiss the First
7 Amended Complaint Under Seal at ECF No. 58. For the reasons set out in the Stipulated Motion,
8 the particular contractual terms of the AGTAs excerpted or summarized in LOT's Opposition should
9 be redacted in the public filing. Redacting only a few sentences is the least restrictive method
10 available to ensure protection of Boeing's confidential and sensitive information. *See* LCR
11 5(g)(3)(B)(iii) (requiring the least restrictive method to ensure protection of material to be sealed).
12 Because there are no less restrictive alternatives available, the parties agree that redaction is
13 appropriate. Further, this Court granted the Parties' Stipulated Motion for Leave to File a Redacted
14 Version of Boeing's Motion to Dismiss, which included similar redactions to those agreed upon by
15 the Parties in LOT's Opposition. *See* ECF No. 54.

16 **CONCLUSION**

17 For the foregoing reasons, the Parties respectfully request that this Court grant LOT leave to
18 file a redacted version of its Opposition to Boeing's Motion to Dismiss, attached as Exhibit A (with
19 the proposed redactions applied), leaving sealed only the few sentences that disclose the contents of
20 Boeing's proprietary business contract (the AGTA).

21 IT IS SO STIPULATED by and between the Parties.
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1 DATED: January 19, 2023

2 By: s/ Mirin Park
3 Mirin Park, WSBA No. 57983

4 **Condon & Forsyth LLP**
5 600 Stewart Street
6 Suites 300 & 400
7 Seattle, Washington 98101
8 Email: mpark@condonlaw.com

9 Anthony U. Battista (*pro hac vice*)
10 Diana Gurfel Shapiro (*pro hac vice*)
11 Evan Kwarta (*pro hac vice*)
12 Mary Dow (*pro hac vice*)

13 **Condon & Forsyth LLP**
14 7 Times Square, 18th Floor
15 New York, New York 10036
16 Email: abattista@condonlaw.com
17 dgurfel@condonlaw.com
18 ekwarta@condonlaw.com
19 mdow@condonlaw.com

20 *Attorneys for Plaintiff*
21 *Polskie Linie Lotnicze LOT S.A.*

By: s/ Ulrike B. Connelly
Steve Y. Koh, WSBA No. 23284
Eric B. Wolff, WSBA No. 43047
Ulrike B. Connelly, WSBA No. 42478
Gregory F. Miller, WSBA No. 56466
Michelle L. Maley, WSBA No. 51318

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
Email: SKoh@perkinscoie.com
EWolff@perkinscoie.com
UConnelly@perkinscoie.com
GMiller@perkinscoie.com
MMaley@perkinscoie.com

Attorneys for Defendant
The Boeing Company

17 **ORDER**

18 Based upon the foregoing Stipulation, the Court hereby:

19 ORDERS, ADJUDGES AND DECREES that the redacted copy of LOT's
20 Opposition to Boeing's Motion to Dismiss LOT's First Amended Complaint may
21 be filed on the docket.

22 IT IS SO ORDERED.

23 DATED this 20th day of January, 2023.

24 

25 RICARDO S. MARTINEZ
26 UNITED STATES DISTRICT JUDGE

Presented by:

By: s/ Mirin Park

Mirin Park, WSBA No. 57983

Condon & Forsyth LLP

600 Stewart Street

Suites 300 & 400

Seattle, Washington 98101

Email: mpark@condonlaw.com

Anthony U. Battista (*pro hac vice*)

Diana Gurfel Shapiro (*pro hac vice*)

Evan Kwartar (*pro hac vice*)

Mary Dow (*pro hac vice*)

Condon & Forsyth LLP

7 Times Square, 18th Floor

New York, New York 10036

Email: abattista@condonlaw.com

dgurfel@condonlaw.com

ekwartar@condonlaw.com

mdow@condonlaw.com

Attorneys for Plaintiff

Polskie Linie Lotnicze LOT S.A.

By: s/ Ulrike B. Connelly

Steve Y. Koh, WSBA No. 23284

Eric B. Wolff, WSBA No. 43047

Ulrike B. Connelly, WSBA No. 42478

Gregory F. Miller, WSBA No. 56466

Michelle L. Maley, WSBA No. 51318

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

Telephone: 206.359.8000

Facsimile: 206.359.9000

Email: SKoh@perkinscoie.com

EWolff@perkinscoie.com

UConnolly@perkinscoie.com

GMiller@perkinscoie.com

MMaley@perkinscoie.com

Attorneys for Defendant

The Boeing Company

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